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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,586	12/04/2003	Vincent P. Terry	9364-1	1574

7590

08/16/2005

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EXAMINER

SWENSON, BRIAN L

ART UNIT

PAPER NUMBER

3618

DATE MAILED: 08/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/729,586

Applicant(s)

TERRY, VINCENT P.

Examiner

Brian Swenson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The use of the trademark "Nike" (line 9 of page 6) has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 4 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,221,111 issued to Younger.

Younger teaches in Figures 1-4 and respective portions of the specification of: a skateboard tension strap (see embodiments for element 18 including 18c, 18h, 18g for example; see also Col. 5, lines 30-56 and Col. 6, lines 4-5) for temporarily connecting a skateboard to the body of a user (Figure 4) comprising:

a waist belt (Figure 4) adapted to be worn by the user around his or her waist, tension strap (embodiments of element 18) means for resiliently and adjustably connecting said waist belt to said skateboard (Figure 4), said tension strap means

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having a first end (20) adapted to be anchored to said skateboard and a second end (Figure 4) for adjustably connecting said tension strap means to said waist belt (via elements 31,32 and 34), and

connecting means (32 and 34) for adjustably connecting said second end of said tension strap means to said waist belt.

In regards to claim 2, see at least col. 5, lines 24-47.

In regards to claim 4, see at least Figures 1 and 2.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Younger, as disclosed above in reference to claims 1-2 and 4.

Younger discloses the claimed invention including a waist belt (Figure 4) and a tension strap (18c, 18h, 18G) both of which have a width. Younger discloses the claimed invention except for stating if logos or designs are accommodated on the width of tension strap or on the waist belt. It would have been obvious to one having ordinary skill in the art at the time of invention to provide a design or logo on the width of the tension strap or waist belt to allow the user to personalize the device according to the user's individual preferences.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Younger, as applied to claims 1 and 2 above, in view of U.S. Patent No. 6,702,328 issued to Malleis et al.

Younger discloses the claimed invention including teaching a strap (31) whose length can be adjusted (see stub end of loop position by a clasp shown at the end of element (30) in Figure 3A). Younger does not show a plurality of sliding loops for adjusting the position of the strap.

Malleis et al. teach in Figures 1-6 and respective portions of the specification of: a strap for connecting a waist belt to a sporting board. Figure 2, shows a buckle that contains a plurality of sliding loops for adjusting the length and tension in the strap.

It would have been obvious to one having ordinary skill in the art at the time of invention to provide a buckle, as taught by Malleis et al. in place of the clasp taught by Younger to allow the strap's length to be adjusted to accommodate a variety of user heights.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 4,289,325 issued to Whitacre teaches of a hand held strap for a user riding a skateboard.

U.S. Patent No. 5,092,506 issued to Boldue teaches of a strap for carrying a skateboard.

U.S. Patent No. 5,026,088 issued to Stuart teaches of a safety strap for a snowboard.

U.S. Patent No. 4,537,100 issued to Palm teaches of a quick release connection.

U.S. Patent No. 6,089,592 issued to Negus teaches of a strap for a skateboard.

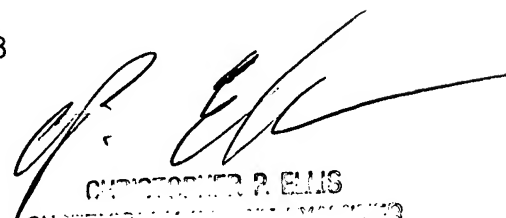
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Swenson whose telephone number is (571) 272-6699. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BS 8/9.05
bls

Brian Swenson
Examiner
Art Unit 3618


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